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SANITARY LEGISLATION.

STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

KENTUCKY.

Tenement Houses—Construction and Regulation of. (Act, Chap. 140, Mar. 19, 1912.)

SECTION 1. That sections 2, 3, 6, 8, 9, 11, 17, 18, 21, 23, 26, 27, 29, 30, 36, 37, 41, 52, 53, 54, 62, and 74 of an act entitled "An act concerning tenement houses, apartment houses, and flat houses in cities of the first class, and relating to their construction, reconstruction, alteration, maintenance, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violations of this act," approved March 21, 1910, be, and the same are hereby, amended and reenacted so that said sections as amended shall read as follows:

SEC. 2. *Definitions.*—Certain words and terms in this act are defined for the purposes thereof as follows:

1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

2. A "tenement house" is any house or building, or portion thereof, in a city of the first class which is rented, leased, let, or hired out, to be occupied, or is occupied, or is intended, arranged, or designed to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water-closets or privies, or some of them, and includes apartment houses and flat houses in cities of the first class.

3. A "yard" is an open, unoccupied space on the same lot with a tenement house, between the extreme rear inclosing wall of the house and the extreme rear line of the lot.

4. A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to a street, alley, or yard is an inner court. A court extending to a street only is a street court. A court extending to a yard or alley only is a yard court. A court extending through from street to yard or alley is a through court.

5. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumb-waiter, or any other purpose.

6. A "public hall" is a hall, corridor, or passageway not within an apartment.

7. A "stair hall" includes the stairs, stair landings, and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. A "basement" is a story partly but not more than one-half below the level of the curb, and a "cellar" is a story more than one-half below the level of the curb.

9. An "apartment" is a room or suite of two or more rooms used or intended to be used as the home of one family or household of two or more persons.

10. By a "corner lot," as used in this act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or public alley not less than 20 feet wide, measured between the property lines.

11. The word "nuisance," in this act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around, or about a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same or the apartments thereof; whatever tenement house, or part thereof, is not sufficiently supported, ventilated, sewered, drained, cleaned, or lighted, in reference to the intended or actual use; and whatever renders the air or human food or drink therein unwholesome, are also severally, in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

12. The word "shall" is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this act, as long as it continues to be a tenement house.

13. Wherever the words "charter," "ordinance," "regulations," "department of buildings," "building department," "health department," "department of health," "department charged with the enforcement of this act," "city attorney," "corporation counsel," "city treasury," or "fire limits" occur in this act they shall be construed as if followed by the words "of the city of the first-class in which the tenement house is situated." Wherever the words "is occupied" are used in this act, applying to a building, such words shall be construed as if followed by the words "or is intended, arranged, or *designated* [designed] to be occupied."

14. The "height" of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the façade of the house. Where, however, the curb level is lower or higher than the level of the grade or ground immediately about the walls of a tenement house, the measurements prescribed by this act shall be taken from said grade or ground instead of from the curb level. Where a street adjacent to or ground immediately surrounding a tenement house varies, the mean average grade of such street or ground shall be regarded as the grade or level within the meaning of this act. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the façade on the street having the greatest grade.

15. "Supplementary windows" are windows added in addition to those required by the provisions of this act, and which need not, therefore, comply therewith.

16. The words "business purposes" as used in this act include all purposes other than living purposes.

17. An "alcove" is a recess connected with or at the side of a larger room. The floor of such alcove shall be counted as a part of the floor area, and its cubic contents as a part of the cubic contents of the room with which it is connected.

18. Where a building is erected or is to be erected on a corner lot, the owner may designate what he intends to regard as the rear of such house or lot, and shall treat the building and lot for all purposes mentioned herein accordingly.

19. An "air intake" is a passageway connecting an inner court with a street, alley, yard, or court.

20. A "habitable room" as used in this act is a room which can be used for sleeping or living purposes, and does not include such entry halls, closets, pantries, kitchens, kitchenettes, or storerooms which by reason of their size or arrangement can not be used for sleeping or living rooms for any considerable period of the day or night.

SEC. 3. *Buildings converted or altered.*—A building, not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected; except

that the provisions of this act as to the minimum dimensions of courts and yards may be modified where old residences are so converted or altered; but such buildings shall not be occupied as tenement houses without a special permit granted by both the building and the health departments.

SEC. 6. *Time of compliance.*—All improvements, specifically required by this act in or upon tenement houses erected prior to the date of its passage, shall be made before August 1, 1912.

SEC. 8. *Yards.*—Where there is a yard behind a tenement house, the depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are three stories in height inclusive of basement, but exclusive of cellar, the yard shall not be less than 15 feet in depth in every part. Said yard shall be increased 1 foot for every additional story or fraction thereof; and may be decreased in depth 1 foot for every story less than three stories in height; but it shall never be less than 12 feet in any part, except that where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley, measured between the property lines; and except that, where there is a store on the first story, and that store is, or is intended to be, occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams, provided that the roof of said store is properly drained and finished with granitoid or some other roofing susceptible of being cleaned and swept and made accessible to a janitor. But where there are no windows other than water-closet, bathroom, or supplementary windows opening upon a yard, such yard may have 6 feet as its minimum width, which shall be increased 1 foot for every additional story above three stories and a basement in height that such house is increased. Where there are no windows in the rear of a tenement house, no yard shall be required.

SEC. 9. *Courts.*—In case of any tenement house hereafter erected, the sizes of courts upon which windows required by this act shall open shall be as follows: The width of all inner courts whose walls are not more than three stories in height, inclusive of basement, but exclusive of cellar, shall never be less than 10 feet in any part, and the area shall never be less than 200 square feet, and for every additional story said width shall be increased at least 1 foot and said area shall be increased at least 20 square feet. The width of all through yard and street courts shall never be less than the minimum prescribed for inner courts; except that a yard or street court which is less than 10 feet in depth may have a width of less than 10 feet, provided that such width is never less than one-half the depth of said court. Where, however, an adjoining owner agrees of record to leave open and unoccupied a given space on his property immediately adjoining such court, and to treat such open space in all respects required by this act as a court and as a part of either lot, such space so left vacant and open may be included in determining the size of any court of which it thereby becomes a part. Where any court extends for its full length parallel with, and adjoining, a public alley or street, the owner of such court may treat the width of such alley or street as a part of the width of such court as prescribed by this section. But where no windows other than water-closet, bathroom, or supplementary windows open upon a through yard or street court, the minimum width of such court may be 4 feet. But no court shall be required on that side of a tenement house on which no windows are situated.

SEC. 11. *Air intakes.*—Every inner court shall be provided with one or more horizontal air intakes at the bottom. Each such air intake shall always communicate directly with the street, yard, or alley, and shall consist of a fireproof passageway not less than 35 feet in area of cross section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than 10 per cent. A communication with a street, yard, or alley by means of a court of the dimensions prescribed by this act shall be deemed a sufficient compliance with this section.

SEC. 17. *Size of rooms.*—In every tenement house hereafter erected all habitable rooms shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than 150 square feet of floor area, and each other room shall contain at least 84 square feet of floor area. Each room shall be in every part not less than 9 feet high from the finished floor to the finished ceiling: *Provided, however, than* [that] an attic room, if habitable, need be 9 feet in but one-half of its area, provided there are not less than 750 cubic feet of air space therein.

SEC. 18. *Alcoves and alcove rooms.*—In a tenement house hereafter erected, an alcove in any room shall be separately lighted and ventilated as provided for rooms in the foregoing sections, and shall not be less than 80 square feet in floor area, except an alcove that has a floor area of not to exceed 35 square feet and that has an unobstructed opening equal in area to 20 per cent of its entire wall surface into an adjoining room: *Provided* That in constructing additional habitable rooms by raising or altering existing one-story dwellings the limitation of the floor area of an alcove may be disregarded: *Provided* That such alcove has an unobstructed opening equal to the floor area of such alcove into an adjoining habitable room. This section shall not be construed as forbidding the erection of portières or other decorative effects projecting not more than 18 inches from the plane of the wall of a habitable room. No part of any room in a tenement house hereafter erected shall be inclosed or subdivided at any time, wholly or in part, by a curtain portières, mixed or movable partition or other contrivance or device, unless such part of the room so inclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than 80 square feet, except as heretofore provided in this section.

SEC. 21. *Public halls.*—In every tenement house hereafter erected, every public hall shall have, at each story, at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall or boundary is not less than 10 feet from said window. Such window shall be so placed at the end of the hall, that light may pass directly to the opposite end of the hall, or else there shall be at the side of the hall at least one such window in every 20 feet in length, or fraction thereof of such hall, except in so much of any public entrance hall as lies between the entrance to the building and the flight of stairs nearest the entrance, provided the entrance door contains not less than 5 square feet of glazed surface. Any part of a public hall which is shut off from any other part by a door or doors shall be deemed a separate hall within the meaning of this section. But where there is a system of artificial lighting and ventilation which is in the opinion of the health department adequate to properly light and ventilate said hall, the windows required in this and the two following sections may be omitted.

SEC. 23. *Size of windows for stair halls.*—In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at least $2\frac{1}{2}$ feet wide and 5 feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window. Such window or door shall open upon a street, yard or court whose opposite wall or boundary is not less than 4 feet from said window or door or upon a shaft of the minimum area herein provided, to wit: Where the building is three stories or less in height the area of the shaft shall be at least 16 square feet, and for each additional story the area shall be increased by 4 square feet.

SEC. 26. *Cellars, damp proofing and lighting.*—In every tenement house hereafter erected, adequate precautions shall be taken to prevent dampness in all cellars and basements by the use of cement floors throughout, and further by the damp-proofing of the walls and floors throughout whenever the nature of the soil is such as to make such damp proofing necessary. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

SEC. 27. *Shafts, courts, areas, and yards.*—In every tenement house hereafter erected, the bottom of all shafts, courts, areas, and yards which extend to the basement or cellar floor level shall extend 6 inches below the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas, and yards shall be properly graded and drained, and all shafts, courts, and areas shall be paved.

SEC. 29. *Water-closet accommodations.*—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, except that where there are apartments consisting of only one or two rooms, there shall be at least one public water-closet for every two apartments. Each such water-closet shall be placed in a compartment completely separated from every other water-closet, but a bathroom may be in the same compartment; and such compartment shall be not less than 3 feet wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening upon a street or alley, or upon a court at least 4 feet wide, or upon a yard at least 6 feet wide; except that where there is an adequate system of forced or induced ventilation said compartment may open upon a shaft. When, however, such water-closet compartment is lighted and ventilated by a skylight over it, no window shall be necessary, provided that the roof of such skylight contains at least 3 square feet of glazed surface and is arranged so as to open readily. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels or with a translucent glass transom not less in area than 4 square feet. The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, stone, or some other waterproof material, laid as smooth as possible, and such waterproofing shall extend at least 6 inches above the floor, except at the door, so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixture shall be inclosed with any woodwork. Nothing in this section in regard to the separation of water-closet compartments shall apply to a general toilet room containing several water-closets, provided that such water-closets are supplementary to the water-closet accommodations required by this act. Except as in this section otherwise provided, such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

SEC. 30. *Sewer connection.*—Except as hereinafter provided, no tenement house shall be hereafter erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. Except as hereinafter provided, no cesspool or privy vault or similar means of sewage disposal shall be used in connection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied: *Provided, however,* That a tenement house may be erected on a street where no sewer connection is possible upon a permit issued by both the building and the health departments if in their opinion adequate and sanitary means of sewage disposal are provided by the owner of the lot on which such house is proposed to be erected.

SEC. 36. *Rooms, lighting and ventilation of.*—No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health department.

SEC. 37. *Alcoves and alcove rooms.*—No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portiers, fixed or movable partition or other contrivance or device, unless such part of the room so inclosed or subdivided shall contain a window, as required by section 18 of this act, and have a floor area of not less than 80 square feet, except as otherwise provided by section 18 of this act.

SEC. 41. *Public halls, lighting at night.*—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all the other floors and stair halls of said house from sunset until 10 o'clock in the evening.

SEC. 52. *Wall paper.*—Except as hereinafter provided, no wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom, and such wall and ceiling be thoroughly cleaned. But the health department may, upon application from the owner and after inspection of such house, where such department is convinced that it is not necessary to the sanitary improvement thereof that the foregoing provision be complied with, issue a permit excusing compliance therewith.

SEC. 53. *Receptacles for ashes, garbage, and rubbish.*—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse, and other matter. Any person placing such ashes, rubbish, garbage, refuse, or other matter in the yards adjoining or connected with or appurtenant to any tenement house, or in any part of such house, except in suitable receptacles provided therefor, and any person wrongfully removing a receptacle so provided, shall be subject to a fine for each offense of not less than \$5 nor more than \$25.

SEC. 54. *Prohibited uses.*—No horse, cow, calf, sheep, goat, or fowls shall be kept in a tenement house, or on the same lot or premises thereof within less than 20 feet of any part or portion of said house, and no swine shall be kept in a tenement house or on the same lot or premises; and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients, or for the storage or handling of rags, or as a place of public assemblage, or as a place of assignation or prostitution.

SEC. 62. *Fire escapes and fireproofing of buildings.*—Every tenement house hereafter erected over two stories and a basement in height, and every building hereafter altered for use as a tenement house over two stories and a basement in height, shall be equipped and kept equipped with such fire escapes for each floor as shall be deemed adequate by the building department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escapes. Every tenement house hereafter erected over three stories and a basement in height and every nonfireproof building hereafter altered for use as a tenement house over three stories and a basement in height shall be of fireproof construction.

SEC. 74. *Penalties and violations.*—Except as otherwise provided in section 53 of this act, every person who shall violate or assist in the violation of any provision of this act shall be fined not less than \$10 nor more than \$25 for each offense, and each and every day after the expiration of the notice prescribed by this act that said violation is allowed to continue shall be considered an additional offense. Such person or persons shall also be liable for all costs, expenses, and disbursements paid or incurred by said departments, or by any of the officers thereof, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property shall subject said property to the fines and penalties herein prescribed upon the institution of the proper proceeding against said property or its owner.